

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 2270.) The Governor's Office authorized the notice to proceed through the rulemaking process on June 19, 2013.

[R14-123]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 16, Hospital Presumptive Eligibility
Section numbers: R9-22-1601 (*As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.*)
- 2. The subject matter of the proposed rule:**
The Administration is promulgating rules to comply with the Affordable Care Act of 2010, which added 42 USC 1396(a)(47)(B), and 42 CFR 435.1110 which requires the State Medicaid agency to allow qualifying hospitals the option to determine presumptive eligibility for Medicaid for certain individuals. This process is referred to as Hospital Presumptive Eligibility (HPE). These proposed rules are to be effective January 1, 2015.

To be a hospital qualified to make a presumptive eligibility determination, the hospital must agree to make the determination in accordance with policies and procedures established by AHCCCS. 42 CFR 435.1110(b)(1). The details of the terms and conditions for qualifying hospitals will be included in a written agreement between AHCCCS and the hospital, and the terms of such contracts are exempt from the requirements for rulemaking. A.R.S. § 41-1005(a)(15).
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 20 A.A.R. 2229, August 22, 2014 (*in this issue*).
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034

Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
See the Notice of Proposed Rulemaking on page 2229 of this issue.